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Attorneys for Defendant
NATIONAL RAILROAD
PASSENGER CORPORATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

VIRGINIA DIANE SHELL,

Plaintiff,

v.

AMTRAK, a corporation; NATIONAL
RAILROAD PASSENGER
CORPORATION, a corporation; and
ROES 1 to 100, inclusive,

Defendants.

Case No. 1:08-cv-00897 SMS

**STIPULATION TO INDEPENDENT
MEDICAL EXAMINATION PURSUANT
TO RULE 35 OF THE FEDERAL RULES
OF CIVIL PROCEDURE;**

ORDER

IT IS HEREBY STIPULATED by and between Plaintiff VIRGINIA DIANE SHELL (“Plaintiff”) and Defendant NATIONAL RAILROAD PASSENGER CORPORATION. (“Defendant”), through their designated counsel, that Plaintiff will undergo a physical examination pursuant to Rule 35 of the Federal Rules of Civil Procedure. Said examination shall take place on **May 26, 2009 at 9:00 a.m.** and will be conducted by Donald R. Huene, M.D. at the offices of Donald R. Huene, M.D., Inc., 201 N. Valeria, Fresno, California 93701, Telephone: (559) 233-2541.

This examination will be conducted for the purpose of determining the nature and extent of Plaintiff’s physical injuries and the relationship thereof to the accident which is the subject of this litigation, and will consist of all necessary and customary activities required to make such a

determination, including but not limited to medical history, radiographic studies, history of accident in question, and physical examination and evaluation. Photographs of Plaintiff's injuries may be taken for use at trial.

Plaintiff shall be responsible for the doctor's customary cancellation fee of \$500 should she fail to appear for the scheduled examination, or should she fail to provide Dr. Huene with notice that she will not appear for the same according to Dr. Huene's cancellation policy as follows.

Cancel Before 14 days of IME	No Fee Due;
Cancel Between 7-14 days before IME	50% Fee Due; and
Cancel Less than 7 days before IME	Full Fee Due (\$500).

IT IS FURTHER STIPULATED that Defendant will provide to Plaintiff a copy of a detailed written report setting out the history, examinations, findings, including the results of all tests made, diagnoses, prognoses, and conclusions of the examiner, Donald R. Huene, M.D., within 15 days upon defendant's receipt of same.

Dated: April 9, 2009

MARDEROSIAN, RUNYON, CERCONE,
LAHMAN & ARMO

By: /s/ Michael G. Marderosian
MICHAEL G. MARDEROSIAN
Attorneys for Plaintiff
VIRGINIA DIANE SHELL
LOMBARDI, LOPER & CONANT, LLP

Dated: April 9, 2009

By: /s/ Liza Siu Mendoza
LIZA SIU MENDOZA
Attorneys for Defendant
NATIONAL RAILROAD PASSENGER
CORPORATION

IT IS SO ORDERED:

DATED: April 10, 2009

/s/ Sandra M. Snyder
HONORABLE SANDRA M. SNYDER
UNITED STATES MAGISTRATE JUDGE